

Message Text

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ACTION DLOS-09

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CEQ-01 CG-00 CIAE-00 COME-00 DODE-00 DOTE-00
EB-08 EPA-04 SOE-02 DOE-15 FMC-02 TRSE-00 H-02
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TO SECSTATE WASHDC 3081
INFO USDEL LOS COLLECTIVE

UNCLAS SECTION 01 OF 02 USUN NEW YORK 03377

FROM LOSDEL

E.O. 11652: N/A
TAGS: PLOS
SUBJECT: LOS CONFERENCE WEEKLY SUMMARY - AUGUST 21-25

SUMMARY: THE FIRST WEEK OF THE LOS CONFERENCE SEEMED OFF
TO A SATISFACTORY START AS SUBSTANTIVE DISCUSSIONS BEGAN
IN THE MAJOR NEGOTIATING GROUPS. THE FIRST COMMITTEE
FORUMS ARE EXAMINING THE SEABED REGIME, FINANCIAL ARRANGE-
MENTS AND THE ORGANS OF THE AUTHORITY AND WILL REQUIRE
TIME TO RESOLVE THESE IMPORTANT QUESTIONS. THE CONTINEN-
TAL MARGIN DISCUSSION IN NG-6 INDICATED CONTINUING SUPPORT
FOR THE IRISH FORMULA WITH REVENUE SHARING, THE THIRD
COMMITTEE REVIEWED POLLUTION AMENDMENTS PRESENTED IN
GENEVA. NG-7 RECOMMENCED ITS DISPUTE SETTLEMENT WORK.
END SUMMARY.

1. THERE WERE NO MEETINGS OF THE FULL COMMITTEE I DURING
THE WEEK, BUT NEGOTIATING GROUPS 1, 2 AND 3 (WHICH DEAL
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RESPECTIVELY WITH THE SYSTEM OF EXPLORATION AND EXPLOITA-
TION, FINANCIAL ARRANGEMENTS, AND ORGANS OF THE AUTHORITY)
DID MEET. NG-1 DECIDED TO DISCUSS ANNEX II AND NOT TO
REOPEN AT THIS TIME THE TEXTS WHICH WERE NEGOTIATED UNDER
ITS AUSPICES IN GENEVA. THE US AND OTHER INDUSTRIALIZED
STATES, HOWEVER, MADE IT CLEAR THOSE EARLIER TEXTS WOULD
HAVE TO BE TAKEN UP AGAIN IN FUTURE SESSIONS. NG-1

CHAIRMAN NJENGA INVITED DELEGATIONS TO SUBMIT SUGGESTED REVISIONS OF THE GENEVA REPORTS FOR HIS CONSIDERATION. NG-2 RECONVENED ITS TECHNICAL EXPERTS TEAM TO DISCUSS THE APPLICATION FEE FOR MINING AND THE ANNUAL FIXED FEE TO MINE AS WELL AS ROYALTIES. THE VARIED INTERPRETATIONS OF THE PURPOSE AND AMOUNT OF THE APPLICATION AND ANNUAL FEES WERE BROADLY AIREED AND AN APPARENT CONSENSUS WAS DEVELOPING: THAT THE PURPOSE OF THE APPLICATION FEE (\$250,000) WAS NOT REVENUE BUT COVERAGE OF THE COST OF EVALUATING AN APPLICATION AND THAT A REVIEW MECHANISM WAS DESIRABLE IN ORDER TO ASSURE THAT THE APPLICATION FEE WAS COVERING THE EVALUATION COST. THE BRIEF MEETINGS OF NG-3 WERE VERY PRELIMINARY AND DIRECTED TOWARD POSSIBLE STREAMLINING OF THE FOUR SUBSIDIARY ORGANS OF THE COUNCIL -ARTICLES 161-164).

2. COMMITTEE II FOCUSED PRIMARILY ON THE SUBJECT OF THE DEFINITION OF THE OUTER EDGE OF THE CONTINENTAL MARGIN (NG-6). WHILE MOST OF THE WORK WAS DONE THROUGH PRIVATE CONSULTATIONS AMONG CONCERNED STATES, ONE SESSION OF NG-6 INDICATED THAT THERE REMAINS BROAD AND GROWING SUPPORT FOR A SOLUTION BASED UPON THE IRISH FORMULA AND REVENUE SHARING. OPPOSITION STILL REMAINS, HOWEVER, ON THE PART OF THOSE STATES SEEKING SOLUTIONS BASED UPON DISTANCE CRITERIA ONLY.

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3. ONE SESSION OF NG-7 DEALT WITH DELIMITATION OF BOUNDARIES BETWEEN OPPOSITE AND ADJACENT STATES. IT WAS OBVIOUS THERE IS STILL A DEEP RIFT BETWEEN THOSE STATES FAVORING THE PRINCIPLE OF EQUIDISTANCE AND THOSE FAVORING EQUITY.

4. DURING THE WEEK OF AUGUST 28 - SEPTEMBER 1, THE COMMITTEE IS EXPECTED TO DISCUSS THE REMAINING ISSUES NOT COVERED BY THE WORK OF NEGOTIATING GROUPS, SUCH AS ISLANDS AND SEMI-ENCLOSED SEAS.

5. WORK IN THE THIRD COMMITTEE RESUMED IN INFORMAL MEETINGS CHAIRED BY VALLARTA (MEXICO). THE MOMENTUM OF THE GENEVA PHASE WAS CONTINUED IN A BUSINESS-LIKE ATMOSPHERE WHICH RESULTED IN THE GROUP AUTHORIZING VALLARTA TO INFORM THE CHAIRMAN OF THE THIRD COMMITTEE (YANKOV) THAT THE PROPOSAL TO AMEND ARTICLE 212 (2) BIS RELATING TO REGIONAL PORT ENTRY ENFORCEMENT PROCEDURES WAS CONSIDERED TO HAVE ACHIEVED CONSENSUS AND SHOULD BE PLACED IN CATEGORY I. THE PROPOSAL FOR ARTICLE 222 (MEASURES RELATING TO MARITIME CASUALTIES TO AVOID POLLUTION) RECEIVED A SIMILAR RECOMMENDATION FROM THE GROUP. ALL OF THE

PROPOSALS CARRIED IN CATEGORY II AND III OF THE CHAIRMAN'S REPORT TO PLENARY AT THE CONCLUSION OF THE GENEVA PHASE WERE CONSIDERED DURING THE WEEK, WITH DISCUSSION OF AN ARAB PROPOSAL TO AMEND ARTICLE 236 BEING PUT OFF UNTIL THE SECOND WEEK. AN ARAB PROPOSAL TO DELETE PARAGRAPH 8 OF ARTICLE 221 WAS CONSIDERED TO HAVE BEEN WITHDRAWN. EFFORTS TO ACHIEVE CONSENSUS ON THESE OUTSTANDING ISSUES ARE BEING CONTINUED IN A SMALLER VALLARTA WORKING GROUP. PRIMARY OPPOSITION TO THE REMAINING US CATEGORY II PROPOSALS TO AMEND ARTICLE 221 (6) AND ARTICLE 231 CAME FROM IRAQ AND PERU. IN CATEGORY III THERE IS LITTLE LIKELIHOOD THAT ANY OF THE PROPOSALS ARE CAPABLE OF

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ATTAINING CATEGORY I STATUS, ALTHOUGH A BRAZILIAN PROPOSAL TO MODIFY ARTICLE 221 PARAGRAPH 5, AND A CANADIAN REDRAFT OF PARAGRAPH 5 OF ARTICLE 221 COULD POSSIBLY ACHIEVE CONSENSUS.

6. AT AN ORGANIZATIONAL MEETING OF NG-7 ON FRIDAY, JUDGE MANNER (FINLAND) RULED THAT WORK WOULD BE CONDUCTED IN THE FULL GROUP; NO SMALL EXPERT SUBGROUPS WILL BE FORMED FOR THE MOMENT. THE DISPUTE SETTLEMENT ASPECTS OF MARITIME BOUNDARY DELIMITATION WILL BE TAKEN UP FIRST. DEBATE WILL BE BASED ON AN ANNOTATED VERSION OF THE SURVEY OF CONCILIATORY APPROACHES PRESENTED BY PROFESSOR SOHN (US) AT THE END OF THE GENEVA MEETING. AFTER THIS DISCUSSION THE GROUP WILL CONSIDER THE INTERIM REGIME, AND FINALLY

THE PROBLEM OF SUBSTANTIVE CRITERIA.

7. THE DRAFTING COMMITTEE BEGAN ITS WORK ON A TECHNICAL
REVIEW OF THE LANGUAGE STRUCTURE OF THE ICNT. SIX
LANGUAGE GROUPS WERE ESTABLISHED TO RESOLVE TEXTUAL
DISCREPANCIES AND STANDARDIZE INTERNAL REFERENCES.
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